

**BEFORE THE DIRECTOR OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE**

In the Matter of:)
)
Ryan J. Cann,)
)
Respondent)
_____)

Proceeding No. D2022-26

FINAL ORDER PURSUANT TO 37 C.F.R. § 11.24

Pursuant to 37 C.F.R. § 11.24, Ryan J. Cann (“Respondent”) is hereby publicly reprimanded by the United States Patent and Trademark Office (“USPTO” or “Office”) for violation of 37 C.F.R. § 11.804(h).

Background

On November 2, 2022, a “Notice and Order Pursuant to 37 C.F.R. § 11.24” (“Notice and Order”) was sent by certified mail (receipt nos. 70220410000250013724 and 70220410000250013731) notifying Respondent that the Director of the Office of Enrollment and Discipline (“OED Director”) had filed a “Complaint for Reciprocal Discipline Pursuant to 37 C.F.R. § 11.24” (“Complaint”) requesting that the Director of the United States Patent and Trademark Office impose reciprocal discipline upon Respondent identical to the discipline imposed by the December 16, 2021 Order of the State Bar of Nevada, Northern Nevada Disciplinary Board in Case Number: OBC21-0289 and OBC21-0353, publicly reprimanding Respondent. The Notice and Order provided Respondent an opportunity to file, within forty (40) days, a response opposing the imposition of reciprocal discipline identical to that imposed by the December 16, 2021 Order of the State Bar of Nevada, Northern Nevada Disciplinary Board in Case Number: OBC21-0289 and OBC21-

0353, based on one or more of the reasons provided in 37 C.F.R. § 11.24(d)(1). The Notice and Order was received on November 5, 2022. Respondent has not filed a response to the Notice and Order.

Analysis

In light of Respondent's failure to file a response, it is hereby determined that there is no genuine issue of material fact under 37 C.F.R. § 11.24(d) and reprimanding Respondent is the appropriate discipline.

ACCORDINGLY, it is hereby **ORDERED** that:

1. Respondent is hereby publicly reprimanded;
2. The OED Director publish the following Notice in the *Official Gazette*:

Notice of Public Reprimand

This notice concerns Ryan J. Cann of Reno, Nevada, who is a registered patent attorney (Registration Number 62,815). In a reciprocal disciplinary proceeding, the Director of the United States Patent and Trademark Office ("USPTO") has ordered that Mr. Cann be publicly reprimanded for violating 37 C.F.R. § 11.804(h), predicated upon being publicly reprimanded by a duly constituted authority of a State. Specifically, in a December 16, 2021 Order, the State Bar of Nevada, Northern Nevada Disciplinary Board reprimanded Mr. Cann with terms.

Pursuant to the Order filed December 16, 2021, the State Bar of Nevada, Northern Nevada Disciplinary Board in Case Number: OBC21-0289 and OBC21-0353, reprimanded Mr. Cann for violating Rule of Professional Conduct 1.3 (Diligence) and Rule of Professional Conduct 1.15 (Safekeeping Property). The Disciplinary Board further ordered that Mr. Cann open a Client Trust Account (i.e., IOLTA), complete four additional Continuing Legal Education credits within 90 days of the Order, and pay Nevada Supreme Court Rule 120 Costs of \$1,500 plus the hard costs of the disciplinary proceedings to the State Bar within 30 days of the Order.

The Disciplinary Board found that while representing two separate clients, Mr. Cann failed to timely prepare patent applications. Further, Mr. Cann accepted advance payment of fees and did not deposit the fees into a Client Trust Account. Therefore, the funds were not available for immediate return to the clients upon termination of representation. The

Disciplinary Board also noted, inter alia, that Mr. Cann had cooperated in the investigation.

This action is taken pursuant to the provisions of 35 U.S.C. § 32 and 37 C.F.R. § 11.24. Disciplinary decisions are available for public review at the Office of Enrollment and Discipline's FOIA Reading Room, located at: <https://foiadocuments.uspto.gov/oed/>;

and

3. The OED Director give notice pursuant to 37 C.F.R. § 11.59 of the public discipline and the reasons for the discipline to disciplinary enforcement agencies in the state(s) where Respondent is admitted to practice, to courts where Respondent is known to be admitted, and to the public.

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David Shewchuk, David
Date: 2023.01.06 15:42:52
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Date

David Shewchuk
Deputy General Counsel for General Law
United States Patent and Trademark Office

on delegated authority by

Katherine K. Vidal
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office